

Clerk's Office
U.S. District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

Case: 1:14-mc-01330
Assigned To : Unassigned
Assign. Date : 11/20/2014
Description: Miscellaneous

FILED
NOV 20 2014

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Re: Application for DMCA Subpoena

Dear Sir or Madam:

On behalf of SIIA's members, Becker Professional Education, Adobe Systems Incorporated and Cengage Learning (hereinafter, "Members"), I respectfully request that the Clerk issue a subpoena pursuant to 17 U.S.C. § 512(h).

As you may know, Section 512(h) of the Digital Millennium Copyright Act provides that a "copyright owner or a person authorized to act on the owner's behalf may request the clerk of any United States District Court to issue a subpoena to a service provider for identification of an alleged infringer in accordance with this subsection." 17 U.S.C. § 512(h)(1). For a subpoena to be issued, Section 512(h) requires that a copyright owner file the following with the Clerk:

- 1) A copy of the notification required by Section 512(c)(3)(A);
- 2) A proposed subpoena; and
- 3) A sworn declaration to the effect that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting the rights under this title.

Accordingly, attached for filing with the Clerk are the notification pursuant to the Section 512(c)(3)(A), a proposed subpoena, and a sworn declaration. As my Members have complied with the request of the statute, they ask that the Clerk pursuant to Section 512(h)(4) expeditiously issue and sign the proposed subpoena and return it (c/o undersigned counsel) for service on the subpoena recipient.

Thank you for your cooperation and prompt response in this matter. If you have any questions, please use the contact information noted above.

Sincerely,



Keith M. Kupferschmid
General Counsel and Senior Vice President, Intellectual Property

**Software & Information
Industry Association**

1090 Vermont Ave NW Sixth Floor
Washington, DC 20005-4905



November 19, 2014

By Federal Express

eBay, Inc.
173 West Election Road
Draper, UT 84020
copyright@ebay.com, verorequest@ebay.com

Re: DMCA Subpoena and Notice of Claimed Infringements

Dear Registered Agent:

The Software & Information Industry Association ("SIIA") is a U.S. trade association that represents the intellectual property interest of numerous companies in the software and digital content industries. This list includes but is not limited to Becker Professional Education and Adobe Systems Incorporated. SIIA is authorized to act on behalf of SIIA members whose copyright and other intellectual property rights it believes to be infringed as described herein.

We provide this notice pursuant to Section 512 of Title 17 of the U.S. Code (as enacted by the "Online Copyright Infringement Liability Limitation Act") to request that eBay, Inc. ("eBay") provide information sufficient to identify the sellers who have received a Notice of Claimed Infringement through eBay's VERO program.

Attached as Exhibit A are the Notices of Claimed Infringement provided by SIIA to eBay's VERO program, pursuant to 17 USC § 512, to make it aware of our good faith belief that the unlawful sale and distribution of software and/or digital content on its network or system was not authorized by the copyright owners, their agents, or the law.

This notification remains accurate, and under penalty of perjury, we are authorized to act on behalf of the owners of the exclusive rights that are being infringed. This letter is without prejudice to the rights and remedies of the SIIA members' and their affiliates, all of which are expressly reserved.

By providing this notice, SIIA is not waiving its rights to engage in other enforcement activities on behalf of its members, and reserves all rights to do so at any time. Thank you for your cooperation and prompt response in this matter.

Sincerely,

/s/

Timothy Tyre
Software & Information Industry Association

Tel: +1.202.289.7442
Fax: +1.202.289.7097

www.sii.net

Exhibit A

Seller ID	Member	Listing #
efecc	Adobe	311132057479
ithinkitsbr0ken	Adobe	271630329693
jllu21	Adobe	271644857329
kn9ght	Adobe	251693546252
pro-discount*123	Adobe	321498269383
parn_of_lodoss	Adobe	201190742134
peter.kleis	Adobe	201204192787
ahme-ame	Becker	201216599214
bville3k	Becker	291276348199
charliebookseller	Becker	121472197284
chrisie5000	Becker	281470231977
clar-clay	Becker	281486800688
cnbmcal	Becker	331348203961
cpaexamprepexpert	Becker	261638766391
cwicarowilli	Becker	251663133876
farlequinc	Becker	281472902310
hopper1244	Becker	131329900904
idirectshop	Becker	151472081740
iloveart_22	Becker	201202615317
jayski1023	Becker	121479132808
jerm98	Becker	271627627589
linzhang91_09	Becker	271635226128
mckjes7	Becker	261639351818
meye-glen	Becker	271667823989
modsnap	Becker	191377924536
novelties4kids	Becker	131333410095
oisaza	Becker	171517841608
pricetaylor	Becker	261640979695
puryesusa	Becker	261642915287
shakil127	Becker	201200382535
solidworld	Becker	301351708817
st1553	Becker	191400755268
svenbooks_8800	Becker	261631059626
tarendt	Becker	261623053353
thom7016	Becker	201212922296
tnelson962002	Becker	301335068315
tsuki_us	Becker	221581246153
zflash25	Becker	131334697795
barhos	Cengage	251694961058



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE: DMCA SUBPOENA
TO: eBay, Inc.

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DECLARATION OF KEITH M. KUPFERSCHMID

I, Keith M. Kupferschmid, declare and testify as follows:

1. I am the General Counsel and Senior Vice President, Intellectual Property at the Software & Information Industry Association ("SIIA") and am admitted to practice law in the District of Columbia, among other jurisdictions. The SIIA is a U.S. trade association that is authorized to represent the intellectual property interest of numerous member companies in the software and digital content industries, including but not limited to Becker Professional Education, Adobe Systems Incorporated and Cengage Learning.

2. On behalf of the member companies described above, I am seeking a subpoena pursuant to 17 U.S.C. §512(h) to identify the persons infringing SIIA's members' copyrighted works as identified on the attachment to this declaration.

3. The purpose for which the subpoena is sought is to obtain the identity of alleged infringers and the information obtained therefrom will only be used for the purpose of protecting rights under 17 U.S.C. §101, et seq.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 19, 2014.

A handwritten signature in black ink, appearing to read 'Keith M. Kupferschmid', written over a horizontal line.

Keith M. Kupferschmid, DC Bar # 462226

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Fax: +1.202.289.7097